

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**VENTURIST, INC.,**

**PLAINTIFF,**

**VS.**

**PAT MAUNEY,**

**DEFENDANT.**

**CIVIL ACTION NO. 2:06cv494-SRW**

**AFFIDAVIT OF COLONEL JOHN WARDEN**

Before me, the undersigned authority, on this day personally appeared Colonel John Warden, who being by me first duly sworn, deposed and stated upon his oath the following:

My name is Colonel John A. Warden, III. I am over the age of twenty-one (21) years. I have personal knowledge of the following:

I am a Strategist who has worked in the military, government, education and business. I was a Vietnam Combat Pilot, Air Force Fighter Wing Commander, am credited by Norman Schwartzkopf and Colin Powell as the architect of the Desert Storm Air Campaign, was the Special Assistant to the Vice President of the United States Dan Quayle, Commandant of the Air Force's Command & Staff College, and founded Venturist, Inc. in 1995.

I have written two books, the Air Campaign and Winning in Fast Time. I have appeared on FOX, CBS, CNN, MSNBC, PBS, the Discovery Channel, the History Channel, the National Geographic, the VBC, NPR, and numerous radio talk shows around the country. I am frequently featured or cited in newspapers and magazines such as *Forbes*, *Time*, *The Economist*, *USA Today*, and *Newsweek*.

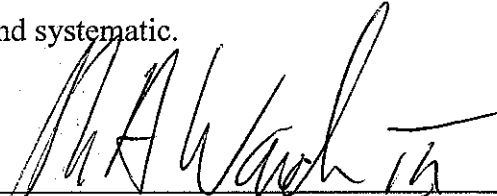
My company, Venturist, Inc., developed and uses the Prometheus Process, a methodology used to create and execute winning strategies. Venturist is helping organizations all over the world by teaching this process. I work with clients to help them realize higher returns on their resources. This is accomplished through the sale of strategy programs, consulting services and accompanying software, and literature.

I hired Pat Mauney, then an Alabama resident, in August, 2001 as Director of Key Accounts. Ms. Mauney provided administrative services and performed some sales in the Venturist, Inc. office located in Montgomery, Alabama, its only office.

In 2003, Ms. Mauney informed me that she was moving to California. She expressed a desire to continue to perform work for Venturist even though she was moving from Alabama to California. A significant portion of the services that Ms. Mauney performed for Venturist up until that time had been administrative office tasks such as making copies and shipping books; this kind of work could not be performed outside the office. Therefore, in order for Ms. Mauney to perform work for Venturist in California, the terms and conditions of her association with Venturist were materially changed. In an effort to work with Ms. Mauney, I agreed to allow her to take on the title of Director of Marketing and perform sales of the company's consulting services on a commission only basis. Further, to the extent that Ms. Mauney performed any administrative services, such as compiling client Christmas lists, etc., she billed the company at an hourly rate for such services.

After Pat Mauney moved to California, she maintained continuous and systematic contact with my office in Montgomery, Alabama through email, telephone, and fax. Ms. Mauney was in contact with the Venturist, Inc. office on an average weekly basis. In addition to maintaining regular contact with the company, Ms. Mauney traveled to Alabama normally twice or more a

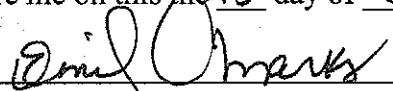
year for 7-10 days at a time for a Prometheus Academy which the company puts on in Montgomery, Alabama or for other customer-related events. Additionally, Ms. Mauney conducted sales calls, through continuous electronic and wire communications, on Alabama residents and companies, for Venturist, Inc. while she lived in California. Her contacts with Alabama residents were regular, continuous and systematic.

  
COLONEL JOHN A. WARDEN, III

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

Before me, the undersigned Notary Public, did personally appear COLONEL JOHN A. WARDEN, III who states to me that he is aware of the contents of the foregoing document, and that he did execute it voluntarily.

SWORN TO and SUBSCRIBED before me on this the 23<sup>rd</sup> day of June, 2006.

  
NOTARY PUBLIC  
My commission expires: 10-14-2006